

Exhibit 5

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: TERRORIST)
ATTACKS ON) 03-MDL-1570
SEPTEMBER 11, 2001) (GBD)(SN)

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WEDNESDAY, JANUARY 13, 2021

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Remote videotaped deposition of
Abdul Aziz Abdul Kareem al-Anqari, held
remotely at the location of the witness in
Riyadh, Saudi Arabia, commencing at 7:07 a.m.
Eastern Time, on the above date, before
Carrie A. Campbell, Registered Diplomate
Reporter, Certified Realtime Reporter.

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<p>1 Assistant Minister of Defence?</p> <p>2 A. Explain the secondment, yes,</p> <p>3 unless the president is -- has -- had a</p> <p>4 mandate to do such a thing.</p> <p>5 Q. And are you aware that for</p> <p>6 Mr. Bayoumi, that the assistant secretary --</p> <p>7 Minister of Defense approved the secondment</p> <p>8 of Mr. Bayoumi?</p> <p>9 A. I don't recall -- I don't</p> <p>10 remember that thing.</p> <p>11 (Anqari Exhibit 373 marked for</p> <p>12 identification.)</p> <p>13 QUESTIONS BY MR. POUNIAN:</p> <p>14 Q. If we could show the witness</p> <p>15 KSA1028 and mark that as the next exhibit.</p> <p>16 A. Okay. What's the question?</p> <p>17 Q. Yes, sir. Can you recognize</p> <p>18 this from the Deputy Minister of Defense Fahd</p> <p>19 bin Abdullah?</p> <p>20 It's from the person --</p> <p>21 A. Like I indicated before, I am</p> <p>22 not the one who had the right to make a</p> <p>23 decision -- make decisions, but this is</p> <p>24 signed by His Royal Highness, the Assistant</p> <p>25 Defense Minister, and directed to the</p>	<p>1 Mr. Bayoumi was put on the payroll of Dallah</p> <p>2 Avco in 1995?</p> <p>3 MR. NITZ: Objection.</p> <p>4 THE WITNESS: I don't know</p> <p>5 exactly when the secondment took</p> <p>6 place, but once employee leaves the</p> <p>7 authority of the -- of the Civil</p> <p>8 Aviation and goes to a company, his</p> <p>9 salary for the Civil Aviation would be</p> <p>10 stopped. But I don't know exactly</p> <p>11 when this happened.</p> <p>12 QUESTIONS BY MR. POUNIAN:</p> <p>13 Q. And are you familiar with the</p> <p>14 terms of the -- or I'll strike the question.</p> <p>15 Did you know, sir, that under</p> <p>16 the contract, ANSS personnel work for the</p> <p>17 Presidency of Civil Aviation? Did you know</p> <p>18 that, sir?</p> <p>19 A. Both of the -- both departments</p> <p>20 and operation contract provided that</p> <p>21 personnel would be given for the purpose of</p> <p>22 performing the work. But I don't know</p> <p>23 exactly what the number was.</p> <p>24 Q. And those personnel would be</p> <p>25 under the direction of the Presidency of</p>
<p>1 president of the Civil Aviation Presidency.</p> <p>2 Because he had the authority to</p> <p>3 do so. That's why he send an approval letter</p> <p>4 to His Excellency, the president of Civil</p> <p>5 Aviation. And this is a routine procedure.</p> <p>6 Q. Okay. And it's a required</p> <p>7 procedure that approval be given by the</p> <p>8 Minister of Defense; is that correct?</p> <p>9 MR. SHEN: Objection to form.</p> <p>10 THE WITNESS: Yes, from the</p> <p>11 assistant defense minister according</p> <p>12 to his -- to his chart -- to his</p> <p>13 responsibilities or -- yeah,</p> <p>14 responsibilities.</p> <p>15 QUESTIONS BY MR. POUNIAN:</p> <p>16 Q. And that minister was Fahd bin</p> <p>17 Abdullah, a member of the royal family?</p> <p>18 A. He is the royal highness, the</p> <p>19 prince.</p> <p>20 MR. SHEN: I'm going to object</p> <p>21 to the translation of the document.</p> <p>22 It is assistant minister, not deputy</p> <p>23 minister.</p> <p>24 QUESTIONS BY MR. POUNIAN:</p> <p>25 Q. Now, are you aware, sir, that</p>	<p>1 Civil Aviation personnel?</p> <p>2 A. He would report to the</p> <p>3 Department of Civil Aviation, civil</p> <p>4 navigation, who were in charge of the</p> <p>5 contract.</p> <p>6 Q. And that person was -- the head</p> <p>7 person was Mr. Salmi; am I correct?</p> <p>8 A. At that time we're discussing,</p> <p>9 he was the director general of air</p> <p>10 navigation.</p> <p>11 Q. So he would be the person in</p> <p>12 charge of Mr. Bayoumi during this time when</p> <p>13 he was seconded; is that correct?</p> <p>14 MR. SHEN: Objection. Form.</p> <p>15 THE WITNESS: Supervisor of</p> <p>16 Bayoumi was. I know that he worked</p> <p>17 for air navigation, and air navigation</p> <p>18 was headed by Mohammed Al-Salmi. But</p> <p>19 who his immediate supervisor was, I</p> <p>20 don't know.</p> <p>21 QUESTIONS BY MR. POUNIAN:</p> <p>22 Q. Okay. But Bayoumi may have</p> <p>23 reported to an immediate supervisor, who then</p> <p>24 reported to Mr. Salmi during this period when</p> <p>25 he was seconded; is that correct?</p>

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Remote videotaped deposition of
Abdul Aziz Abdul Kareem al-Anqari, Volume II,
held remotely at the location of the witness
in Riyadh, Saudi Arabia, commencing at
7:04 a.m. Eastern Time, on the above date,
before Carrie A. Campbell, Registered
Diplomate Reporter, Certified Realtime
Reporter.

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<p>1 the question.</p> <p>2 MR. SHEN: He answered the</p> <p>3 question already. You're just arguing</p> <p>4 with the witness now.</p> <p>5 MR. HAEFELE: Andy, let's let</p> <p>6 him answer.</p> <p>7 THE WITNESS: I answer this</p> <p>8 question. I don't know if he's still</p> <p>9 with the Civil Aviation. And since I</p> <p>10 left aviation in 2011, I don't know</p> <p>11 anything about the subject in</p> <p>12 substantia or any details what the</p> <p>13 plaintiffs in this case are claiming</p> <p>14 or what the attorneys are saying. I</p> <p>15 don't know about that.</p> <p>16 MR. HAEFELE: I'm not going to</p> <p>17 ask another question, Andy, but let</p> <p>18 the record reflect that he has not</p> <p>19 answered that last question. Because</p> <p>20 nothing about my question was anything</p> <p>21 about whether or not Mr. Bayoumi</p> <p>22 continued to be at the Civil Aviation.</p> <p>23 That was not part of the question.</p> <p>24 And if you want -- if you want</p> <p>25 me to clarify it and have him answer</p>	<p>1 VIDEOGRAPHER: We're going back</p> <p>2 on record. The time is 12:41.</p> <p>3 CROSS-EXAMINATION</p> <p>4 QUESTIONS BY MR. NITZ:</p> <p>5 Q. Hi, Mr. Anqari. My name is</p> <p>6 Eric Nitz. I'm one of the lawyers who</p> <p>7 represents Dallah Avco, one of the defendants</p> <p>8 in this litigation.</p> <p>9 Thank you for taking the time</p> <p>10 to answer our questions. I know it's been</p> <p>11 two long days, and I know it's getting late</p> <p>12 out there in Saudi Arabia right now, so we do</p> <p>13 appreciate you taking the time to answer the</p> <p>14 questions that we have.</p> <p>15 Are you --</p> <p>16 INTERPRETER: Could you,</p> <p>17 Counselor, could you pause for the</p> <p>18 interpreter?</p> <p>19 MR. NITZ: Absolutely. My</p> <p>20 apologies. I'll try to break up my</p> <p>21 questions as well.</p> <p>22 INTERPRETER: Thank you.</p> <p>23 THE WITNESS: Welcome.</p> <p>24 QUESTIONS BY MR. NITZ:</p> <p>25 Q. You testified earlier about the</p>
<p>1 Page 342</p> <p>2 it, that's fine, but as it stands on</p> <p>3 the record, he has continued to not</p> <p>4 answer the question twice.</p> <p>5 MR. SHEN: You're passing the</p> <p>6 witness?</p> <p>7 MR. HAEFELE: I'll pass the</p> <p>8 witness back to Mr. Pounian.</p> <p>9 MR. NITZ: Steve, it's getting</p> <p>10 pretty late in Saudi Arabia, and I</p> <p>11 would like to make sure that we have a</p> <p>12 chance to ask any questions that I</p> <p>13 have.</p> <p>14 MR. POUNIAN: I'm not going to</p> <p>15 ask any further questions at this</p> <p>16 time.</p> <p>17 MR. SHEN: All right. Sean,</p> <p>18 are you done?</p> <p>19 MR. CARTER: Yeah, I'm happy to</p> <p>20 defer to Eric.</p> <p>21 Your mic seems pretty bad.</p> <p>22 MR. SHEN: Let's go off the</p> <p>23 record for five minutes.</p> <p>24 VIDEOGRAPHER: Going off</p> <p>25 record. The time is 12:33.</p> <p>(Off the record at 12:33 p.m.)</p>	<p>1 Page 344</p> <p>2 air navigation system support for ANSS</p> <p>3 contracts between the Presidency of Civil</p> <p>4 Aviation and Dallah Avco.</p> <p>5 Are you generally aware that</p> <p>6 one of Dallah Avco's responsibilities under</p> <p>7 the contracts was to recruit manpower to</p> <p>8 staff the ANSS project?</p> <p>9 A. Please allow, Mr. Attorney, as</p> <p>10 per the contract name, it says operation and</p> <p>11 maintenance, which would entail recruitment</p> <p>12 of employees by the company to perform the</p> <p>13 work.</p> <p>14 Q. And was one of Dallah Avco's</p> <p>15 other --</p> <p>16 A. But I don't know the details of</p> <p>17 the contract. All I know -- all I know is</p> <p>18 that the contract was subject to general --</p> <p>19 public bidding.</p> <p>20 Dallah Avco was among the</p> <p>21 companies that competed for the contract, and</p> <p>22 they won the contract in an appropriate</p> <p>23 fashion. That's what I know.</p> <p>24 The implementation of the</p> <p>25 contract -- the implementation of the</p> <p>contract was to be done with the knowledge of</p>

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<p>1 airways, under their supervision. I was not 2 the one supervising the implementation of the 3 contract or savvy with the details thereof. 4 Q. Thank you. 5 I'm going to -- I'd like to 6 mark as Exhibit 392 an excerpt from the 7 contract. The English and Arabic versions 8 will be uploaded to the shared exhibit 9 folder, and I'm going to share for the 10 witness the Arabic version on the screen 11 here. 12 (Anqari Exhibit 392 marked for 13 identification.) 14 QUESTIONS BY MR. NITZ: 15 Q. Exhibit 392 is an excerpt of 16 the contract entitled "Section 4, Scope of 17 Services." The English version is 18 Bates-numbered KSA2185 through KSA2218, and 19 the Arabic, which I've put up on my screen 20 here, is Bates-numbered KSA1927 through 1955. 21 I'm going to show you first 22 Section 4-2-1-2, which in the Arabic version 23 is on KSA1931. And for the lawyers, the 24 English version is at KSA2189. 25 That provision states, "The</p>	<p>1 Dallah, as a contractor, should 2 prepare its technical ceters from the 3 beginning, which is something that you'll 4 find in all operation and maintenance 5 contracts. 6 That's why I don't understand 7 what you mean by this paragraph or what's 8 behind -- what you are trying to inquire 9 about. 10 Q. Thank you. 11 Next, I'd like you to take a 12 look at Section 4-2-1-4. It's also on page 13 KSA1931 of the Arabic version. The English 14 version appears at KSA2190. 15 In that section, the contract 16 states that "Contractor personnel shall work 17 side by side with the government Saudi 18 national personnel as a single integrated 19 workforce." 20 Do you know whether contracted 21 personnel, in fact, work side by side with 22 the government Saudi national personnel? 23 A. Let me explain. In the air 24 navigation sector, there is a group of 25 technicians and engineers. Those are</p>
<p>1 contractor shall be entirely responsible for 2 all aspects of the recruitment process, 3 subject only to prior government approval of 4 contractor-selected candidates, except that 5 the government may, at its discretion, at any 6 time, direct the contractor to hire any 7 individual or individuals whom the government 8 deems suitable for employment under the 9 contract." 10 Do you know whether that 11 provision accurately describes Dallah Avco's 12 responsibilities under the contract? 13 A. The provision is clear, but 14 these details pertain to the air navigation 15 sector. 16 Q. Do you know whether this 17 provision required the PCA to approve all 18 candidates that were recruited by Dallah 19 Avco? 20 A. As per the first paragraph in 21 the Arabic version, yes, it does. 22 So that attorneys are aware of 23 what's going on, what happens with contracts 24 is, only people qualified with experience and 25 technical knowledge should be recruited.</p>	<p>1 employees who report to Civil Aviation. 2 On the other hand, Dallah's 3 employees, when they perform their 4 maintenance and operation work, they must 5 work side by side with their counterpart or 6 fellow technicians in the airways -- or in 7 the airports. 8 If you look at the paragraph 9 before that, it seems to me that the 10 purpose -- okay. First, it says in number 1 11 that the employees or the recruits be from 12 the -- nationals of the Kingdom of Saudi 13 Arabia or the permanent residents -- they 14 should be from Saudi national -- nationals or 15 the permanent residents in Saudi Arabia. 16 Number 2, they could be from 17 North America or western Europe in order to 18 transfer the knowledge and know-how. 19 Number 3, they should be from 20 the Middle Eastern countries if the above two 21 were not available. 22 Number 4 would be from the 23 Asian countries as technicians, people from 24 the Philippines and so forth. 25 It is clear that they would</p>

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<p>1 have to perform those jobs side by side with 2 the counterpart Saudi national employees. So 3 let's suppose that there is a Saudi engineer 4 on the payroll. He would be working 5 side by side with the contractor's employees. 6 I don't know what this 7 gentleman is trying to get to. 8 Q. I'm just simply trying to ask 9 your understanding of the contractual 10 provision. 11 Let's take a look at 12 Section 4-3-3, which is on KSA1946. This 13 provision is entitled "On-the-Job Training 14 and Contractor Plan For Saudization." 15 Are you familiar with the term 16 "Saudization"? 17 A. Yes, I'm familiar with the term 18 "Saudization." 19 Q. What -- 20 A. Allow me to explain, please. 21 This is one of the orientation 22 of the government, and the requirements of 23 the Ministry of Labor is that one of the 24 goals or objectives is to Saudize the jobs, 25 which is a rule followed by all governmental</p>	<p>1 auditing agency. Shura is spelled 2 S-h-o-u-r-a {sic}. 3 And even the Ministry of Civil 4 Service. 5 Q. Thank you. 6 I'd like to look at one more 7 provision within this exhibit. It's 8 Section 4-4-3-2-1. 9 A. Yes. 10 Q. I believe that appears on 11 KSA1947. Let me pull it up. 12 That provision states, "The 13 contractor shall, in providing personnel to 14 perform the service, give priority to 15 qualified Saudi nationals. If at any 16 time" -- 17 INTERPRETER: The interpreter 18 can't hear counsel really at all. 19 MR. NITZ: Is this better? 20 THE WITNESS: Could you enlarge 21 the picture so I can read? 22 QUESTIONS BY MR. NITZ: 23 Q. I can read it again. I'll 24 start from the beginning. This is 25 Section 4-4-3-2-1.</p>
<p style="text-align: center;">Page 350</p> <p>1 entities in the contracts and in the works in 2 general. 3 Q. Real quick correction. I 4 misspoke earlier. I believe I said the 5 section was 4-3-3. It's actually 4-4-3. I 6 apologize for that. 7 When you say "Saudize the 8 jobs," what do you mean by that? 9 A. Saudization means to recruit 10 Saudi nationals. 11 Q. Is Saudization an important 12 policy goal for the Kingdom? 13 A. It is in the five-year plan. 14 Q. So that means it's an important 15 goal for the government of Saudi Arabia? 16 A. Yes, it is a very important 17 objective for the government of Saudi Arabia 18 to nationalize the labor market. It's a very 19 important objective. 20 Q. Would it also be an important 21 objective of the PCA? 22 A. It is important for the PCA -- 23 it's important for the PCA and to the 24 entities that observed, that control the work 25 of the PCA, like the Shura Council and the</p>	<p style="text-align: center;">Page 352</p> <p>1 It says, "The contractor shall, 2 in providing personnel services his priority 3 to qualified Saudi Arabian nationals. If at 4 any time the government shall notify the 5 contractor in writing of the availability of 6 a Saudi Arabian national qualified for 7 employment, the contractor shall offer to 8 employ him forthwith." 9 A. The provision is very clear. 10 Q. Could you just let me ask my 11 question, Mr. Anqari? 12 If the PCA directed Dallah Avco 13 to put a particular Saudi national on the 14 ANSS project, would Dallah Avco have any 15 reason to question whether that instruction 16 wasn't appropriate? 17 MS. FLOWERS: Object form. 18 Lack of foundation. 19 THE WITNESS: I will -- no 20 matter how the practical limitation 21 took place, but -- but my -- by virtue 22 of the very text, if a Saudi national 23 was available, he would have priority. 24 QUESTIONS BY MR. NITZ: 25 Q. I'd like to pull up a different</p>

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<p>1 excerpt from the ANSS contract.</p> <p>2 VIDEOGRAPHER: We're going off</p> <p>3 the record. The time is 1:04.</p> <p>4 (Off the record at 1:04 p.m.)</p> <p>5 VIDEOGRAPHER: We're going back</p> <p>6 on record. The time is 1:14.</p> <p>7 (Anqari Exhibit 393 marked for</p> <p>8 identification.)</p> <p>9 QUESTIONS BY MR. NITZ:</p> <p>10 Q. All right. I put up what I'd</p> <p>11 like to have marked as Exhibit 393. This is</p> <p>12 another section of the ANSS contract. The</p> <p>13 Bates number is KSA2127 through 2141 for the</p> <p>14 English version, and the Arabic version is at</p> <p>15 KSA1878 through 1890.</p> <p>16 MR. HAEFELE: Hey, Eric, it's</p> <p>17 Robert Haefele. Are you marking them</p> <p>18 as separate exhibits, or are they</p> <p>19 together, or how are you doing it?</p> <p>20 MR. NITZ: I've compiled the</p> <p>21 Arabic and English versions into one</p> <p>22 PDF and marked it as one exhibit.</p> <p>23 MR. HAEFELE: Okay. Thanks.</p> <p>24 MR. NITZ: And the full version</p> <p>25 should be on the shared exhibit</p>	<p>1 MR. SHEN: Eric, you might -- I</p> <p>2 think you need to change what's on the</p> <p>3 screen.</p> <p>4 MR. NITZ: I'm sorry?</p> <p>5 MR. SHEN: You need to change</p> <p>6 what's on your screen because we're</p> <p>7 still seeing the last one.</p> <p>8 INTERPRETER: And I apologize,</p> <p>9 I need two minutes to deal with some</p> <p>10 issue with the laptop. Just a few</p> <p>11 minutes, please. Sorry.</p> <p>12 MR. HAEFELE: Go off the</p> <p>13 record, I think.</p> <p>14 VIDEOGRAPHER: Going off the</p> <p>15 record. The time is 1:17.</p> <p>16 (Off the record at 1:17 p.m.)</p> <p>17 VIDEOGRAPHER: We're going back</p> <p>18 on record. The time is 1:19.</p> <p>19 QUESTIONS BY MR. NITZ:</p> <p>20 Q. All right. I have on my screen</p> <p>21 up in the red box there Article 3-2-1-1, and</p> <p>22 that's entitled "Entitlement," and it reads,</p> <p>23 "The contractor should be entitled each month</p> <p>24 to be paid for the technical and support</p> <p>25 man-months provided during the preceding</p>
<p>1 folder.</p> <p>2 Mr. Marwan, do you want to</p> <p>3 interpret what I've said so far?</p> <p>4 Should I continue?</p> <p>5 INTERPRETER: Are we on the</p> <p>6 record? Actually, I wasn't listening.</p> <p>7 I just returned, and I didn't know</p> <p>8 that we were on the record.</p> <p>9 MR. NITZ: Okay. I can reread</p> <p>10 it. Not a big deal.</p> <p>11 QUESTIONS BY MR. NITZ:</p> <p>12 Q. I put up what I would like to</p> <p>13 have marked as Exhibit 393. This is another</p> <p>14 section of the ANSS contract. The Bates</p> <p>15 number is KSA2127 through 2141 for the</p> <p>16 English version, and the Arabic version is at</p> <p>17 KSA1878 through 1890.</p> <p>18 A. I prefer the Arabic version so</p> <p>19 I can determine what it means.</p> <p>20 Q. And I've just put up the Arabic</p> <p>21 version for Section 3-2-1-1, and this is</p> <p>22 entitled "Monthly payment, man-month services</p> <p>23 entitlement."</p> <p>24 And it reads, "The contractor</p> <p>25 shall be entitled" --</p>	<p>1 month, at the man-month billing rates</p> <p>2 prescribed in attachment D, Article 3-7-1 of</p> <p>3 this Section 3."</p> <p>4 Mr. Anqari, were you aware that</p> <p>5 the contractor was entitled to be paid</p> <p>6 according to the billing rates referenced in</p> <p>7 this section?</p> <p>8 A. Let me tell you again that this</p> <p>9 is the -- one of the provisions of the</p> <p>10 contract, but I was not the one implementing</p> <p>11 the contract or savvy with the details.</p> <p>12 That's what I said. Repeat it.</p> <p>13 The air navigation would be in charge of</p> <p>14 implementing that thing.</p> <p>15 And if you can kindly please</p> <p>16 enlarge it so I can read it better.</p> <p>17 What does that provision mean?</p> <p>18 It clearly means that the contractor is</p> <p>19 entitled to get paid for the employees that</p> <p>20 are identified in the contract.</p> <p>21 So what is the question?</p> <p>22 Q. Earlier this morning,</p> <p>23 Mr. Carter asked you whether Dallah Avco</p> <p>24 passed on to the PCA costs associated with</p> <p>25 certain technicians to the PCA.</p>

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<p>1 You said that if it was 2 provided for by the contract, then yes; if 3 not, then no. 4 My question is: Were you aware 5 of this provision of the contract that we're 6 looking at right now when you answered 7 Mr. Carter's question? 8 A. This is the first time I viewed 9 this. But my question is, what does "give" 10 the Civil Aviation mean? Dallah does not 11 give the Civil Aviation. It gets paid for 12 the employees it appoints to perform the 13 contract. 14 And Civil Aviation would -- and 15 the Civil Aviation would reimburse Dallah for 16 the salaries to perform such jobs by virtue 17 of the provision of this contract. 18 Q. And just to be clear -- 19 A. And this is normal to all 20 contractors. 21 Q. Thank you. 22 (Anqari Exhibit 395 marked for 23 identification.) 24 QUESTIONS BY MR. NITZ: 25 Q. I'd now like to mark as</p>	<p>1 Are these the regulations you 2 would have looked to in order to determine 3 whether the secondment was legally justified? 4 A. I wouldn't be the one looking 5 at -- I wouldn't be the one looking at them. 6 The human resources would be the ones. 7 Could you please enlarge the 8 picture so I can read it? 9 This is the mechanism of 10 secondment as per the civil service bureau. 11 And -- and article 29 says that -- I'm sorry, 12 could I ask the witness to repeat the answer? 13 This is a Civil Service Law. 14 And comes out from that is a detailed list of 15 regulations -- or bylaws, bylaws. 16 For example, the secondment, 17 the bylaws that come out from the law would 18 determine the rules of secondment. And that 19 would contain additional details. 20 At this moment as I'm talking 21 to you now, I do not recall the provisions of 22 the bylaws. I would have given them to you 23 then. I would have read them to you. 24 Q. If we look up at the letter at 25 KSA936 -- I'll put it on the screen now and</p>
<p style="text-align: center;">Page 358</p> <p>1 Exhibit 395 a letter and attachment. I'll 2 put it up on the screen. 3 This is a letter dated the 4 first day of the first month 1420, Hijri, 5 corresponding to April 17, 1999, with an 6 attachment. It's Bates-numbered KSA936 7 through 937. 8 I'm going to ask you about the 9 attachment, which is at 937, and I'll bring 10 it up on the screen and enlarge it. 11 The attachment is an excerpt 12 from the executive regulations of the civil 13 services that includes Article 29/1 14 through 29/7 as they were in effect at that 15 time. 16 Have you seen these regulations 17 before? 18 A. If it was related to civil 19 services, it must have been shown to me 20 before. 21 Q. When we were looking at some of 22 the earlier correspondence, you said that 23 your role in the process of approving a 24 secondment was limited to determining whether 25 the secondment was legally justified.</p>	<p style="text-align: center;">Page 360</p> <p>1 make it as large as I can. 2 A. Yeah, please enlarge it as much 3 as you can. 4 Q. This is a letter from the 5 President, Civil Aviation, Mr. Khalaf, and 6 it's directed to the Assistant Minister of 7 Defense and Aviation. 8 And if you look at the end of 9 this large paragraph here -- I'll put a box 10 around it -- it says, "Since this secondment 11 does not affect the progress of work in 12 reference to Article 29/4 of the civil 13 service regulation, which allows extending 14 the secondment of an employee for a period or 15 periods not exceeding one year each, and 16 since this matter falls under Your 17 Excellency's authorities..." 18 And then Dr. Khalaf goes on to 19 request that the secondment extension be 20 approved. 21 Does that refresh your 22 recollection -- well, I should say, have you 23 seen this document before? This letter? 24 A. I don't know now if this is a 25 picture or an official signature. If you</p>

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<p>1 scroll up a bit, I could look at the bottom 2 and see if there is an official signature. 3 This is from the head of the 4 Civil Aviation Presidency, submitted to the 5 Assistant Minister of Defense, which means 6 that he already approved it, because the one 7 with whom lies right to make the approval 8 decision would be the assistant minister. 9 So this memo was -- this memo 10 was prepared by the human resources, and I 11 see there initials, not including mine. But 12 it is clear that it came from human 13 resources. 14 So they submitted that memo 15 through the head of the PCA at that time to 16 the assistant minister. 17 And if we look in the bottom, 18 you will see that a copy was to be given to 19 Dallah Avco, another to the director general 20 of Airways Engineering, and the third to the 21 employees affairs director. 22 Q. Thank you, Mr. Anqari. 23 Given that human resources 24 prepared this memo, or this letter, which 25 attaches these regulations, does that tell</p>	<p>1 memo was submitted to the minister, because 2 Mr. Bayoumi was in a rank lower than 11. He 3 was a rank 8. 4 Q. Thank you, Mr. Anqari. I 5 appreciate you providing all that 6 information. 7 But I'd like to follow up on, 8 and I don't want you to get too far ahead, so 9 I apologize. 10 You mentioned that under this 11 article, a government agency can second a 12 government employee to a private company, 13 among other entities. 14 What are some of the reasons 15 that a government agency might decide to 16 second a government employee to a private 17 company? 18 MR. CARTER: Eric, are you 19 asking generally or under this 20 contract or the PCA? 21 MR. NITZ: Generally under 22 Article 29, what are the reasons that 23 a -- a government agency might second 24 a government employee. And obviously 25 that's within Mr. Anqari's personal</p>
<p style="text-align: center;">Page 362</p> <p>1 you that these are the regulations human 2 resources would look toward in determining 3 whether a secondment request was legally 4 justified? 5 A. If we go back to Article 29, 6 like I told you, this is the law, the system, 7 which would come with bylaws which would 8 detail -- which would be more detailed. 9 So this Article 29 emphasizes 10 what I said earlier to these gentlemen, 11 attorneys, yesterday and today, which is that 12 the civil service system allows the 13 secondment of an employee to governmental 14 agencies or private agencies, local or 15 international organizations as well. 16 And the secondment of an 17 employee would come by the approval of the 18 minister in charge if the employee was below 19 the rank 11. 20 If by -- as per Article 29/1, 21 if the employee was above rank 11, the 22 approval would have to come from the head of 23 civil service. 24 Q. Mr. Anqari -- 25 A. That's why -- that's why this</p>	<p style="text-align: center;">Page 364</p> <p>1 knowledge. 2 MR. CARTER: Objection. 3 Foundation. 4 THE WITNESS: Executed not only 5 for private companies. Could be for 6 international organization or 7 governmental agency. 8 Usually -- the way it works 9 usually is that the company that seeks 10 the services of the employee would 11 request the secondment from the 12 governmental agency where he works. 13 And if that request was justified, it 14 would be approved. 15 QUESTIONS BY MR. NITZ: 16 Q. Would it be permissible for a 17 government agency like the PCA to second an 18 employee to a private company in order to 19 enhance that employee's job skills? 20 MR. CARTER: Can I just note a 21 continuing objection to the use of the 22 term "agency"?. 23 THE WITNESS: May I answer? 24 QUESTIONS BY MR. NITZ: 25 Q. You can answer.</p>

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<p>1 A. Usually when an entity request 2 a secondment of the employee, it means that 3 it is in need for his services. But it would 4 be up to that company itself to help enhance 5 the skills of that employee or not, if 6 agrees.</p> <p>7 Q. If secondment is an opportunity 8 for an employee to enhance his job skills, 9 would that be a benefit to the governmental 10 entity when he returns to government work?</p> <p>11 MR. CARTER: Objection. Form.</p> <p>12 QUESTIONS BY MR. NITZ:</p> <p>13 Q. You can answer.</p> <p>14 A. I don't understand the purpose 15 of the question to answer.</p> <p>16 Q. I'll try it a different way.</p> <p>17 If an employee is seconded to a 18 private company and in the course of the 19 secondment improves his job skills or 20 ability, would that be a benefit to the 21 government when he returns to the civil 22 service at the end of his secondment?</p> <p>23 A. It would be a benefit for the 24 employee himself, first, and his workplace 25 could also benefit from that. That's a</p>	<p>1 seconded. Does this note amending 2 Article 29/4 refresh your recollection on 3 what that -- what that term limit would be?</p> <p>4 A. Okay. If you please let me 5 repeat what I said yesterday, what I said 6 yesterday was that to my knowledge the 7 maximum was four years. But this is -- this 8 is an amendment. That's something that was 9 added later, which limits the period to that 10 period.</p> <p>11 Q. So in 1999, the time limit for 12 a secondment was five years, according to the 13 regulations that we have up here; is that 14 correct?</p> <p>15 A. Yes, the amended ones, yes.</p> <p>16 That's why I said yesterday -- 17 that's why I said yesterday that to my 18 knowledge the maximum period was four years. 19 But I lost contact with -- or lost touch with 20 the amendments because I probably stopped 21 working in that regard.</p> <p>22 Q. We've spoken a bit about 23 educational leave.</p> <p>24 Does educational leave advance 25 the policy goals of Saudization?</p>
<p>1 possibility.</p> <p>2 For example, if I second an 3 employee to an international organization 4 like the ICOW or the airport council, that 5 employee would acquire international 6 expertise which would benefit him and benefit 7 us when he returns to his job.</p> <p>8 Q. Thank you.</p> <p>9 I'd like you to take a look at 10 note 1 at the bottom of the regulation here, 11 and I'll try to make it as big as I can.</p> <p>12 Toward the bottom half of that 13 note, it states that "Article 29/4 of the 14 executive regulations of the Civil Service 15 Act were amended to become," and then it has 16 point A, and it says, "The term of the 17 secondment may not exceed one year and may be 18 extended by the competent authority for one 19 or more terms, not exceeding one year each, 20 with the overall term of the secondment not 21 exceeding five years under any 22 circumstances."</p> <p>23 My question is: Earlier you 24 were asked if there was a limit on the number 25 of years a government employee could be</p>	<p>1 MR. CARTER: Objection.</p> <p>2 THE WITNESS: You mean 3 educational leave for employee to 4 develop his own skills, for example?</p> <p>5 QUESTIONS BY MR. NITZ:</p> <p>6 Q. The educational leave that 7 we've been discussing, that is reflected in 8 the various letters and correspondence and 9 that Mr. Al-Bayoumi requested in 2000.</p> <p>10 MR. CARTER: Objection.</p> <p>11 MS. FLOWERS: Objection. Lack 12 of foundation.</p> <p>13 QUESTIONS BY MR. NITZ:</p> <p>14 Q. Does that policy advance the 15 goals of Saudization?</p> <p>16 MR. CARTER: Objection.</p> <p>17 THE WITNESS: The educational 18 leave taken by that employee or any 19 other employee would develop his own 20 skills. It is not about the 21 Saudization.</p> <p>22 Bayoumi was a governmental 23 employee, you know that, the one we 24 are discussing, and he was seconded at 25 the time to Dallah company.</p>

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<p>1 When we say "Saudization," we 2 mean by that a Saudi young man or a 3 young woman who happened to have 4 qualifications but no job. In that 5 case, they will have priority to get 6 the job over non-Saudis.</p> <p>7 QUESTIONS BY MR. NITZ:</p> <p>8 Q. Is part of Saudization 9 increasing the qualifications of Saudi 10 Arabian nationals so that they can fill jobs 11 that are currently being held by non-Saudis?</p> <p>12 MR. CARTER: Objection.</p> <p>13 THE WITNESS: Please allow me 14 to explain. My understanding of 15 Saudization is that it is confined to 16 providing Saudi citizens with jobs. 17 That's my understanding of 18 Saudization.</p> <p>19 (Anqari Exhibit 396 marked for 20 identification.)</p> <p>21 QUESTIONS BY MR. NITZ:</p> <p>22 Q. Okay. Thank you.</p> <p>23 Robert, could we please mark as 24 Exhibit 396 Article 28 of the civil service 25 regulation?</p>	<p>1 interpreter. It should be the other 2 around way, one checker and two or 3 three interpreters.</p> <p>4 MR. SHEN: Would you like to 5 take a break now?</p> <p>6 INTERPRETER: Yes. Yes. 7 Please.</p> <p>8 MR. SHEN: Let's take ten 9 minutes.</p> <p>10 VIDEOGRAPHER: We're going off 11 record. The time, 1:55.</p> <p>12 (Off the record at 1:55 p.m.)</p> <p>13 VIDEOGRAPHER: We're going back 14 on record. The time is 2:05.</p> <p>15 MR. NITZ: Thank you.</p> <p>16 Before we get back into the 17 questions, I had one issue with the 18 exhibit to clear up.</p> <p>19 So Exhibit 393 was Section 3 of 20 the ANSS contract, or an excerpt from 21 it. And then I skipped to 22 Exhibit 395, so there was no 23 number 394.</p> <p>24 But what I'd like to do, if 25 nobody has any objection, is I'm not</p>
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<p>1 INTERPRETER: Are we taking a 2 lunch break today?</p> <p>3 MR. NITZ: It's up to you, 4 Andy. It's up to you and Mr. Anqari. 5 I'm fine to keep going.</p> <p>6 MR. SHEN: How much more do you 7 have, Eric?</p> <p>8 MR. NITZ: Maybe a half hour, 9 45 minutes.</p> <p>10 MR. SHEN: All right. I don't 11 have very much at all after that. So 12 if you need a break, let's take a 13 short break, and then we can wrap it 14 up or we can keep going.</p> <p>15 How are you doing, Interpreter?</p> <p>16 INTERPRETER: Very tired.</p> <p>17 MR. SHEN: Okay. Do you need a 18 break now?</p> <p>19 INTERPRETER: This is a job of 20 two or three or interpreters, by the 21 way, taking turns, and my colleagues 22 could confirm that.</p> <p>23 MR. SHEN: Sure.</p> <p>24 INTERPRETER: I see two or 25 three checkers and one actual</p>	<p>1 going to ask you any questions about 2 it, but as Exhibit 394, I'd like to 3 introduce a document. It's attachment 4 D to Section 3 of the financial 5 conditions. The English version is 6 Bates-numbered KSA2158 through 2176, 7 and the Arabic is KSA1910 8 through 1920.</p> <p>9 And what that is is just the 10 section that's referenced in 11 Article 3-2-1-1 of Exhibit 393. And 12 that will keep our numbering in sync.</p> <p>13 MR. HAEFELE: Why don't you 14 fire your tech, Eric.</p> <p>15 MR. NITZ: All right. So I 16 believe right before we were about to 17 break, I had put up Article 28 of the 18 civil service regulations, and I will 19 return that to the screen.</p> <p>20 MR. HAEFELE: Do you have a 21 translation of this document?</p> <p>22 MR. NITZ: Yeah. The 23 translation should be at the end. So 24 if you scroll down to what's -- so 25 this has been marked as Exhibit 396.</p>

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<p>1 If you scroll down, there should be a 2 translation at the end. 3 (Angari Exhibit 394 marked for 4 identification.)</p> <p>5 QUESTIONS BY MR. NITZ:</p> <p>6 Q. Mr. Anqari, from the cover 7 here, do you recognize this as Article 28 of 8 the civil service regulations?</p> <p>9 A. Could you make it bigger, 10 please?</p> <p>11 Q. Yes.</p> <p>12 A. I trust the gentleman, the 13 lady, who put this on the screen as -- as to 14 be the Article 28 from the civil service 15 system, but let's read it together.</p> <p>16 Q. So the cover here, at the top 17 it reads, "Article 28," and then it says, 18 "The regulation specifies the types, 19 durations, terms and conditions for going on 20 leave, as well as the periods of absence that 21 the employee is entitled to or authorized 22 for."</p> <p>23 And then it goes on, "This 24 article, which is set forth in the Civil 25 Service Law, promulgated Royal Decree Number</p>	<p>1 this regulation requires the major to be 2 relevant to the work of the authority wherein 3 the employee works?</p> <p>4 MR. CARTER: Objection.</p> <p>5 THE WITNESS: With due respect, 6 let's go back to the provision of the 7 article. In Arabic, it says yajuz, 8 which is spelled y-a-j-o-u-z {sic}, 9 not -- not the yjb, y-a-j-e-b {sic}, 10 which means in English "may," not 11 "must."</p> <p>12 Here it's talking about an 13 employee in service. It says that 14 provided that he holds high school 15 diploma or its equivalent, the subject 16 of studies, or the major, must have -- 17 to be related to the work he does.</p> <p>18 Let me -- let me clarify one 19 more thing. It's here discussing -- 20 it is discussing here an official 21 employee, an employee in actual 22 service.</p> <p>23 QUESTIONS BY MR. NITZ:</p> <p>24 Q. Okay. And why does the 25 regulation impose the requirement that the</p>
<p style="text-align: center;">Page 374</p> <p>1 M49, dated 10/7/1397 A.H. and the articles 2 that explain it, which are contained in the 3 executive regulations of the Civil Service 4 Law and were issued in the Civil Service 5 Council's decision number 1 on 7/27/1397."</p> <p>6 INTERPRETER: Yes, Counsel.</p> <p>7 QUESTIONS BY MR. NITZ:</p> <p>8 Q. Does that tell you, Mr. Anqari, 9 that this is Article 28 of the Civil Service 10 Law and the civil service regulations?</p> <p>11 A. As I mentioned, I trust your 12 presentation that this page is taken from the 13 Civil Service Law, but let's read it 14 together.</p> <p>15 Q. All right. Well, let's take a 16 look at Article 28/19.</p> <p>17 Now, this article is entitled, 18 "Educational leave." It says, "An employee 19 may be granted educational leave without pay 20 if he holds a high school diploma or its 21 equivalent, provided that he has spent three 22 years in service with a job evaluation of at 23 least good, his major is relevant to the work 24 of the authority wherein he works."</p> <p>25 Mr. Anqari, do you know why</p>	<p style="text-align: center;">Page 376</p> <p>1 subject of the studies, or the major, be 2 related to the work that the employee does?</p> <p>3 A. So that he can benefit -- so 4 that he can benefit from his studies when he 5 returns to work, if the government permits 6 him the leave to study.</p> <p>7 Q. Does that requirement indicate 8 to you that --</p> <p>9 A. Please allow me -- please allow 10 me to give you an example to make the picture 11 clear.</p> <p>12 If an employee worked in a 13 clerical job -- if an employee was a clerical 14 employee in the incoming and outgoing, and he 15 wants to go study in a different major, let's 16 say as a veterinary, obviously there is no 17 relevance between the job that he performs 18 and that major that he seeks.</p> <p>19 So if I happen to have an 20 employee in the Civil Aviation who holds a 21 high school diploma and wants to travel to 22 study veterinary science, that employee 23 doesn't belong in our organization to begin 24 with.</p> <p>25 This is a clarification for</p>

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<p>1 paragraph 2.</p> <p>2 Q. Thank you.</p> <p>3 I'd like to look at now one of</p> <p>4 the exhibits we looked at yesterday. This is</p> <p>5 Exhibit 371. This is the request for</p> <p>6 modification and/or authorization of</p> <p>7 contract/agreement. It is dated 1995 in the</p> <p>8 Gregorian calendar.</p> <p>9 Mr. Anqari, do you remember</p> <p>10 looking at this document yesterday?</p> <p>11 A. When it was shown to me</p> <p>12 yesterday, I testified that I had not seen</p> <p>13 this document before and that it belongs to</p> <p>14 airways. And, therefore, they would be the</p> <p>15 ones entitled to talk about it, not me.</p> <p>16 That's why I cannot comment on</p> <p>17 it.</p> <p>18 Q. Okay. Well, I have just a few</p> <p>19 quick questions that I hope you might be able</p> <p>20 to help me with, and so I hope you'll hear me</p> <p>21 out.</p> <p>22 I would like to direct your</p> <p>23 attention to the box here that's labeled</p> <p>24 "Task/Department." And it's in English on</p> <p>25 the left-hand side, and then I believe</p>	<p>1 I'm not -- tell its content.</p> <p>2 So this is a responsibility for</p> <p>3 those who prepared it and those were the ones</p> <p>4 of supervising the contract, and they were</p> <p>5 the Civil Aviation.</p> <p>6 Q. Okay. The task/department box</p> <p>7 on this document, in the English side it has</p> <p>8 the letters JED. And I believe you told us</p> <p>9 yesterday that in Arabic, what's written in</p> <p>10 that box is "Jeddah sector."</p> <p>11 Is that correct?</p> <p>12 A. Yes, this -- Jeddah sector is</p> <p>13 written there, and that means that where he</p> <p>14 worked was Jeddah.</p> <p>15 Q. Do you know whether Jeddah</p> <p>16 sector is a department within Airways</p> <p>17 Engineering?</p> <p>18 A. A sector within the Airways</p> <p>19 Engineering. There are technicians that</p> <p>20 exist in other sectors airways, like in</p> <p>21 Riyadh or Dammam, things like that.</p> <p>22 Technicians.</p> <p>23 Q. Are there departments within</p> <p>24 Airways Engineering that are -- actually,</p> <p>25 strike that question.</p>
<p style="text-align: center;">Page 378</p> <p>1 there's a corresponding box in Arabic on the</p> <p>2 right-hand side of the document.</p> <p>3 Do you know what ANSS project</p> <p>4 had different departments?</p> <p>5 A. Would you make it larger,</p> <p>6 please?</p> <p>7 Q. Sure.</p> <p>8 A. This highlighted part?</p> <p>9 Q. Yes. If you could look at the</p> <p>10 box that's labeled "Task/Department," it's --</p> <p>11 on the left-hand side it's in English, and</p> <p>12 the right-hand side, I believe, is in Arabic.</p> <p>13 There's a corresponding box.</p> <p>14 And my question is: Do you</p> <p>15 know whether the ANSS project had different</p> <p>16 departments?</p> <p>17 A. You mean departments or jobs?</p> <p>18 Q. Departments. Were there</p> <p>19 different departments with the ANSS project?</p> <p>20 A. The different departments were</p> <p>21 depicted within the Civil Aviation as part of</p> <p>22 its organization.</p> <p>23 And this was shown to me</p> <p>24 yesterday, and I said I could not comment on</p> <p>25 it because I had not seen it before and that</p>	<p style="text-align: center;">Page 380</p> <p>1 If Airways Engineering</p> <p>2 headquarters needed to send an employee who</p> <p>3 was assigned to Jeddah sector overseas for</p> <p>4 some assignment, are you aware of any Saudi</p> <p>5 law or regulation that would prohibit that?</p> <p>6 A. When the assignment -- this</p> <p>7 assignment could be at the expense of Civil</p> <p>8 Aviation within a government-sponsored</p> <p>9 program. That would be known to us.</p> <p>10 Q. So nothing prohibits Airways</p> <p>11 Engineering from assigning an employee</p> <p>12 assigned to Jeddah sector overseas for some</p> <p>13 job-related purpose; is that correct?</p> <p>14 A. How could he be sent by the</p> <p>15 Airways Engineering if he was not working for</p> <p>16 government entity?</p> <p>17 If the person is seconded to a</p> <p>18 certain entity and that entity wishes to send</p> <p>19 him for a scholarship, I wouldn't know about</p> <p>20 that.</p> <p>21 Q. I'd like to pull up another</p> <p>22 exhibit that we looked at yesterday. This is</p> <p>23 Exhibit 372, Bates-numbered KSA1031. I'll</p> <p>24 put the Arabic up here for you.</p> <p>25 And the subject line --</p>

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<p>1 A. Could you make it large, 2 please?</p> <p>3 Q. Sure. I'll focus in.</p> <p>4 I'd like you to take a look at 5 the subject line, which I believe I have up 6 there. The subject line references a request 7 of Dallah Avco company to approve the 8 secondment of employee Omar Ahmed Al-Bayoumi.</p> <p>9 INTERPRETER: Yes, Counsel.</p> <p>10 QUESTIONS BY MR. NITZ:</p> <p>11 Q. Mr. Anqari, do you have 12 personal knowledge of why Dallah Avco 13 requested Al-Bayoumi's secondment?</p> <p>14 A. No. Personal, no.</p> <p>15 Q. Do you know what --</p> <p>16 A. Because he worked for the 17 airways sector, and that's why I wouldn't 18 know.</p> <p>19 I don't know why the Dallah 20 company requested his secondment. Perhaps 21 they needed him. It is totally clear that 22 they needed the services.</p> <p>23 Q. And when you say, "It's totally 24 clear that they needed his services," you're 25 referencing -- you're making that statement</p>	<p>1 Q. Do you know whether any 2 employee of the ANSS project asked Dallah 3 Avco to make the request?</p> <p>4 A. What I know is that the request 5 came from Dallah for person who was employed 6 by the airways, was submitted to the human 7 resources, and from the human resources it 8 was submitted to the person entitled to make 9 a decision of that nature. That's what I 10 know.</p> <p>11 But I don't know any person in 12 particular who may have spoken to Dallah.</p> <p>13 Q. Okay. Thank you.</p> <p>14 A. No problem.</p> <p>15 Q. And the next document I'd like 16 to pull up is another exhibit from yesterday. 17 It's Exhibit 374.</p> <p>18 A. Please proceed. Go right 19 ahead.</p> <p>20 Q. This is Bates-numbered KSA4466. 21 It's a 1997 letter that Mr. Jastaniyah, the 22 director of human resources, sent to 23 Mr. Al-Salmi at Airways Engineering.</p> <p>24 Mr. Anqari, do you remember 25 looking at this document yesterday?</p>
<p>1 based off of what's in this letter, correct?</p> <p>2 A. Based on the request of Dallah 3 company, meaning that -- meaning that -- 4 meaning that it was not the PCA who took the 5 initiative of seconding him. As it says 6 here, it was the request of Dallah company to 7 second his services.</p> <p>8 Q. Do you know whether someone 9 else asked Dallah Avco to make the request?</p> <p>10 A. Someone like who?</p> <p>11 Q. Do you know whether Al-Salmi at 12 the PCA asked Dallah Avco to submit the 13 request?</p> <p>14 A. I don't know.</p> <p>15 Al-Salmi was in charge of 16 running that contract. That's what I know, 17 only. Meaning that the airways -- meaning 18 that the airways would be responsible for the 19 implementation of this contract. Whether he 20 made that request or not, I wouldn't know.</p> <p>21 Q. Okay. Do you know whether 22 anyone else at the PCA asked Dallah Avco to 23 make the request?</p> <p>24 A. No, I don't know about that 25 matter.</p>	<p>1 A. What the human resources 2 director was requesting to extend the 3 secondment of that employee, Omar Bayoumi.</p> <p>4 So I had some questions to ask, 5 and these questions were conveyed to his 6 sector.</p> <p>7 Q. And I'd like to ask you myself 8 about the questions that are listed there.</p> <p>9 So Mr. Jastaniyah writes that 10 these questions are things that the deputy 11 president of Civil Aviation wants to know.</p> <p>12 And I believe you said 13 yesterday that that was a reference to you, 14 correct?</p> <p>15 So your second question reads, 16 "What are the reasons for his stay in the 17 USA? For completing study or other reasons?"</p> <p>18 Why did you want to know the 19 answer to that question?</p> <p>20 A. Because I was mindless of the 21 reasons he remained in America. I wanted to 22 know. That's why I asked.</p> <p>23 If I had knowledge that he was 24 studying in America, I wouldn't have asked 25 that question.</p>

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<p>1 Q. Your third question reads, 2 "What is the type of study, major and 3 qualification which he wants to obtain, and 4 when will he be done?" 5 Why did you want to know that 6 information? 7 A. Because I wanted to know the 8 situation, the full situation, of the man. I 9 was given incomplete information. 10 And I also -- and I also had a 11 fourth question. I also -- I also had the 12 fourth question: Does he have the desire to 13 continue working in the job after his return 14 or will leave work? 15 These were general questions. 16 And I'd like you to look again 17 at Question Number 1: What are the reasons 18 that will justify his request for secondment 19 extension for the third time? 20 That means that I have no 21 knowledge whatsoever about his situation. 22 The sector for which that 23 employee worked may have more knowledge about 24 that than me since he worked for them. 25 Q. Let's take a look at</p>	<p>1 Airways Engineering would have asked before 2 me what veterinary science had to do with 3 finance. 4 So please allow me to -- this 5 hypothetical question is not logical. 6 Q. So you would have expected any 7 education that Mr. Al-Bayoumi was pursuing to 8 be related to his work at the PCA, correct? 9 A. This is a general concept that 10 covers Bayoumi and other people. And this 11 was a clarification from the airways to the 12 human -- to the employee affairs acting 13 director. 14 And the role of the human 15 resources was to study this with the sector 16 for which that employee worked. And if he 17 qualified, I wonder what would be the reason 18 to say -- to deny the request. 19 Was obliged to distinguish 20 between two things. If the scholarship was 21 at the expense of the government, then they 22 would have -- you would have to stop the 23 secondment. Otherwise -- and if the expenses 24 were to be borne by another entity, then the 25 matter would be up to that other entity, not</p>
<p style="text-align: center;">Page 386</p> <p>1 Exhibit 375, the response that Mr. Al-Salmi 2 sent to Mr. Jastaniyah answering those 3 questions. 4 If we look at Mr. Al-Salmi's 5 response to question 3, he writes, "The type 6 of study currently pursued by the said 7 person: Preparation study to get the 8 master's degree in business administration 9 and studies in financial management." 10 Was that -- strike that. I'll 11 start over. 12 In your opinion, was that a 13 permissible course of study for an Airways 14 Engineering employee in Mr. Al-Bayoumi's line 15 of work to be pursuing? 16 A. What was his job at the Airways 17 Engineering? An accountant. So it suits the 18 financial department. 19 Q. If Mr. Al-Salmi had written 20 back to Mr. Jastaniyah that Mr. Al Bayoumi 21 was pursuing coursework, to use your example, 22 in veterinary sciences, would you have 23 recommended that Mr. Al-Bayoumi's secondment 24 be extended? 25 A. I believe that Al-Salmi at the</p>	<p style="text-align: center;">Page 388</p> <p>1 the PCA. 2 MR. NITZ: Okay. I have just a 3 few more questions. Could we take a 4 quick five-minute break, and then I 5 expect it won't be that much more when 6 we come back? Is that all right? 7 MR. SHEN: Eric, it's getting 8 quite late in Saudi Arabia. How much 9 more do you have? 10 MR. NITZ: I expect I'll be 11 able to get through the last set of 12 questions in like four or five 13 minutes. I just need a couple minutes 14 to make sure I hit everything that I 15 wanted to hit and then finish up. 16 I certainly don't want to keep 17 the witness up any later than he's 18 already been up or than is necessary. 19 MR. SHEN: All right. We'll 20 come back in five minutes. 21 MR. NITZ: Okay. 22 VIDEOGRAPHER: Going off 23 record. The time is 2:43. 24 (Off the record at 2:43 p.m.) 25 VIDEOGRAPHER: We're going back</p>

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<p>1 on record. The time is 2:52.</p> <p>2 QUESTIONS BY MR. NITZ:</p> <p>3 Q. Thank you.</p> <p>4 Mr. Anqari, I have what I hope</p> <p>5 will just be a quick few yes or no questions</p> <p>6 for you.</p> <p>7 A. Thank you, sir.</p> <p>8 Q. From 1993 until 2002, did you</p> <p>9 at any point have reason to believe that</p> <p>10 Mr. Al-Bayoumi's educational studies were, in</p> <p>11 fact, a sham to conceal support for unlawful</p> <p>12 activity?</p> <p>13 MR. HAEFELE: Objection.</p> <p>14 QUESTIONS BY MR. NITZ:</p> <p>15 Q. You can answer.</p> <p>16 A. I didn't understand the</p> <p>17 question.</p> <p>18 INTERPRETER: Could the</p> <p>19 interpreter just repeat the question</p> <p>20 to the witness?</p> <p>21 THE WITNESS: I don't know</p> <p>22 anything about Omar Bayoumi or his</p> <p>23 studies, to answer this question. I</p> <p>24 didn't know anything.</p> <p>25</p>	<p>1 Mr. Carter this morning about the</p> <p>2 requirements that apply if a PCA employee is</p> <p>3 seconded and then pursues educational</p> <p>4 opportunities.</p> <p>5 I'll let the translator go.</p> <p>6 INTERPRETER: You can finish,</p> <p>7 Mr. Shen.</p> <p>8 QUESTIONS BY MR. SHEN:</p> <p>9 Q. And you testified that if an</p> <p>10 employee is seconded and the PCA pays the</p> <p>11 educational fees for that employee directly,</p> <p>12 the secondment would need to end before the</p> <p>13 employee pursues their education.</p> <p>14 Do you recall that?</p> <p>15 MR. CARTER: Objection.</p> <p>16 THE WITNESS: The employee --</p> <p>17 shall I answer?</p> <p>18 QUESTIONS BY MR. SHEN:</p> <p>19 Q. Yes.</p> <p>20 A. An employee who is sent on a</p> <p>21 scholarship by the PCA while being seconded,</p> <p>22 the secondment should stop and be returned to</p> <p>23 the PCA.</p> <p>24 Q. All right.</p> <p>25 A. But if he went to another</p>
<p style="text-align: center;">Page 390</p> <p>1 QUESTIONS BY MR. NITZ:</p> <p>2 Q. Between 1993 and 2002, did you</p> <p>3 personally, at any point, ever tell anyone at</p> <p>4 Dallah Avco that Mr. Al-Bayoumi's educational</p> <p>5 studies were a sham to conceal unlawful</p> <p>6 activity?</p> <p>7 MR. HAEFELE: Objection.</p> <p>8 THE WITNESS: That never</p> <p>9 happened. I never spoke with anyone</p> <p>10 from Dallah about that subject.</p> <p>11 MR. NITZ: Thank you. That's</p> <p>12 all I have.</p> <p>13 MR. SHEN: All right. I assume</p> <p>14 that there's no one else with</p> <p>15 questions on the defense side?</p> <p>16 All right. I have a few</p> <p>17 questions.</p> <p>18 CROSS-EXAMINATION</p> <p>19 QUESTIONS BY MR. SHEN:</p> <p>20 Q. For the record, this is Andy</p> <p>21 Shen from Kellogg Hansen. I represent the</p> <p>22 Kingdom of Saudi Arabia.</p> <p>23 Mr. Anqari, I just have one or</p> <p>24 two quick questions for you.</p> <p>25 You were asked questions by</p>	<p style="text-align: center;">Page 392</p> <p>1 entity as seconded and that other entity is</p> <p>2 the one that pays his salary, I wouldn't know</p> <p>3 about it.</p> <p>4 Q. All right. And so if an</p> <p>5 employee is seconded to another entity and</p> <p>6 that other entity pays for the employee's</p> <p>7 education, the secondment would not need to</p> <p>8 end first; is that correct?</p> <p>9 MR. CARTER: Objection.</p> <p>10 Foundation.</p> <p>11 THE WITNESS: That would be up</p> <p>12 to the entity to which the employee</p> <p>13 was seconded.</p> <p>14 MR. SHEN: I have no further</p> <p>15 questions.</p> <p>16 Plaintiffs?</p> <p>17 MR. CARTER: Andy, can you just</p> <p>18 give us about two minutes to</p> <p>19 consolidate any questions and then</p> <p>20 finish it quickly?</p> <p>21 MR. SHEN: Sure.</p> <p>22 MR. CARTER: Okay. Thanks.</p> <p>23 VIDEOGRAPHER: We're going off</p> <p>24 record. The time is 2:58.</p> <p>25 (Off the record at 2:58 p.m.)</p>

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE: TERRORIST ATTACKS ON SEPTEMBER 11, 2001)
)
)

Civil Action No. 03 MDL 1570 (GBD) (SN)
ECF Case

This document relates to:

All cases

ERRATA SHEET FOR THE DEPOSITION OF ABDUL AZIZ AL-ANGARI
(JANUARY 13-14, 2021)

Page and Line	Current Text	Revised Text	Reason
All instances	al-Anqari	al-Angari	Clarification
13:16	Cornell University	Colorado University	Transcription Error
13:18	MBA	MPA	Transcription Error
13:22	MBA	MPA	Transcription Error
14:16-17	Yes, I see my name and my work translated	Yes, I see my name and my work place translated	Clarification
14:24	by the leave of	by the name of	Transcription Error
15:25	Khalaif	Ali al-Khalaif	Clarification
16:1	Khalaif	al-Khalaif	Transcription Error
16:3	Khalaif	al-Khalaif	Transcription Error
16:6-7	I don't remember exactly when he ended or what he does now.	I don't remember exactly when he came or when he ended or what he does now.	Clarification
21:15	officer	executive	Clarification
25:21	employee to	employee from	Clarification
25:21	employee to one department to another	an employee from one department to another	Clarification

27:11	Salmi	al-Salmi	Transcription Error
28:2-3	employees enjoy good efficiency and financial expertise	employees have good efficiency and financial experience	Clarification
29:15	Civil Aviation	Airways Engineering	Clarification
34:3	answer questions about in this	answer questions about this	Clarification
36:8	PSA	PCA	Clarification
43:22-23	Al-Salmi work in civil navigation	Al-Salmi worked in Saudi Navigation Company	Correction
44:7	--	SANS	Transcription Error
57:22	auxiliary	support	Clarification
58:23	quality control	Air Standards	Correction
59:17	aviation, Civil Aviation Presidency	Civil Aviation Presidency	Clarification
59:20	airports	aircrafts	Clarification
59:22	navigation	traffic	Clarification
60:2	stores renting	real estate or services	Clarification
60:3	Presidency.	Presidency's responsibility.	Clarification
60:25	regulation	structure	Clarification
64:5	Khalaf's	al-Khalaf's	Transcription Error
83:17	mostly is	mostly is not	Transcription Error
95:15	human resources	human resources and finance and engineering	Clarification
95:22	for the CP	for the	Clarification
105:3	Department of Civil Aviation, civil	Presidency of Civil Aviation, Air	Clarification
105:15	Supervisor	I do not know who the Supervisor	Transcription Error
107:13-14	any information	any	Transcription Error
109:2	internal	employee	Clarification
109:9	It	He	Clarification

187:5	for employee appointed by the government.	for an employee appointed by the government.	Clarification
195:8-9	how could we communicate about this.	how could we communicate on that?	Transcription Error
215:10	would	toward	Transcription Error
215:12	government	semi-government	Translation Error
215:17-18	I don't recall, but it	I don't recall now	Clarification
215:24	Authority	General Authority	Translation Clarification
216:2	Authority	General Authority	Translation Clarification
216:24	Civil Aviation	Civil Aviation in KSA	Clarification
217:5	Yes. Yes.	Yes.	Clarification
217:13	of	in	Clarification
217:16	aviation	of the aviation sector	Clarification
217:17	navigation	navigation only	Clarification
217:24	organization	organizational chart	Clarification
218:1	has	has its	Transcription Error
218:4	an	its	Transcription Error
218:5	an	its	Transcription Error
218:6-7	for Civil Aviation organization	for	Clarification
218:14	And every	Yes. And every	Clarification
219:23	Under supervision was	Under my supervision were	Transcription Error
220:2	for the authority	authority	Clarification
220:18	would make the choices of	prepared	Clarification
220:21	with	and	Clarification
220:25	auditor would review – the auditor	auditors would review – the auditors	Clarification
221:4-6	sent to the auditor of the finance department – finance ministry to	sent to the review of the department of auditors from the finance ministry	Clarification
221:7	payment.	payment. Then we sent them to the Ministry of	Clarification

		Finance to pay the payment.	
221:10	discussion	discussion to the sectors	Clarification
221:16	were responsible	The finance auditors were responsible	Clarification
221:1	They would report	They report	Clarification
222:25	did payrolls	prepares that payroll	Clarification
223:10	But not for contractors. Not	Yes, but not	Clarification
223:20-21	contracts of -- official leaves of PCA,	secondments of PCA employees	Clarification
224:12	here	was there	Transcription Error
224:13	we	they	Clarification
224:17	we have	Airways had	Clarification
224:22	person there	person's name there	Clarification
225:6-7	persons -- there were people who were	persons	Clarification
226:6	analyst	specialist	Clarification
226:7	who --	who could recommend forming a committee	Clarification/Transcription Error
226:13	about control, quality control	about a traffic controller concerning quality control	Clarification
227:2	official	about a PCA employee	Clarification
227:6	is	was	Transcription Error
229:8-9	But later -- but later on it became -- later on it became	But later on it became	Clarification
229:19	Authority of Civil Aviation	General Authority of Civil Aviation	Clarification
230:17	The sultan -- I don't think	Prince Sultan – I don't remember when	Clarification/Transcription Error
231:18	never	did not	Clarification
232:20-21	though they were a contractor for the	so they were a contractor	Clarification/Transcription Error
232:23	of -- with	of	Clarification
233:1	the airport	airport	Clarification
239:23	in one calendar year	during the total service	Correction

242:18	Could have been	Take	Clarification
243:5	is --	is required	Clarification
243:15	If -- it	It	Clarification
248:3	low-level	low-rank	Clarification
248:4	many	a number of	Clarification
248:17	the hierarchy	the grade in the hierarchy	Clarification
248:21	low-level	low-rank	Clarification
248:24	15	Grade 15	Clarification
249:7	would be -- could be	would be or could be	Clarification
249:21	to do	to do with	Clarification
270:7	gave	told	Clarification
271:20-21	This is an order created change	This is an order to credit an exchange	Transcription Error
272:6	The financial procedure so	So	Clarification
272:19	finance ministry	Ministry of Finance	Clarification
279:6	countries – {crosstalk} – passed away	countries, if a famous citizen passes away	Clarification
280:1	interview on the anniversary of	interview on the commemoration of	Translation Error
280:2	the anniversary	commemoration	Translation Error
280:5	the anniversary	commemoration	Translation Error
281:23	that's initiative of the journalist	that's the initiative of the journalist	Transcription Error
282:3	Highness death	Highness' death	Transcription Error
287:16-17	him, at school, in	him in	Correction / Transcription Error
308:7	question	answer	Clarification
310:2	or	and	Clarification
311:18	Airways Engineering, air navigation	Airways Engineering	Clarification
314:18	pilots	air controllers, fire fighter, and navigation technicians.	Correction

315:1	files	files, and in-and-out documents	Clarification
319:8	low-level	low-rank	Clarification
320:17-18	low-level employee. I was in a different level	low-rank employee. I was in an upper rank	Clarification
320:19	low-level	low-rank	Clarification
322:17	low-level	low-rank	Clarification
323:10	low-level	low-rank	Clarification
323:11	low-level	low-rank	Clarification
328:21	And	I am	Transcription Error
331:3	Civil Aviation, and he was employed by	PCA, and he was moved to	Correction
366:4	ICOW	ICAO	Transcription Error

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 17, 2021



Abdul Aziz al-Angari